



United States
Department of
Agriculture

Agricultural
Marketing
Service

STOP 0253- Room 2610-S
1400 Independence Ave. S.W.
Washington, DC 20090-0253

ANNOUNCEMENT LS-96

JUNE 2002

**PURCHASE OF FROZEN LAMB PRODUCTS
FOR DISTRIBUTION TO
FEDERAL FOOD AND NUTRITION PROGRAMS**

I. GENERAL

- A. The United States Department of Agriculture (USDA) will periodically issue Invitations under this Announcement for offers to sell to USDA frozen lamb products as described in the attached Checklist and Reference to Applicable Bid and Contract Provisions (See Exhibit A for Checklist). In addition to product descriptions, this exhibit also provides information on applicable commodity specifications (published separately) and a checklist of applicable bid and contract provisions as described in this Announcement.

The Invitations will specify the product type, the offer date, the closing time for receipt of bids, the delivery or shipping period, the destinations to be filled with any transportation restrictions, and any other provisions applicable to the proposed procurement, which are in addition to or different from those set forth herein (see Exhibit B for an example of an Invitation). Bids solicited under this Announcement and applicable Invitations are for delivery of products to USDA on a f.o.b. destination or f.a.s. vessel basis only.

Additional bid and contract provisions are included in the Annual Certifications, Representations, and Warranties (Appendix 1) and the General Terms and Conditions for the Procurement of Agricultural Commodities or Services, Revision 2, dated November 1984, and Amendments 1, 2, 3, and 4 dated October 1990, November 1990, August 1989, and March 1990, respectively, hereinafter referred to as USDA-1.

- B. Offerors are cautioned to carefully read this Announcement, Appendix 1, USDA-1, specifications, and invitations. Failure to do so will be at the Offeror's risk. These documents are incorporated into the contract (see Section IV. of this Announcement). Offerors are cautioned that statements made by persons other than the Contracting Officer are not binding on the Government unless confirmed in writing by the Contracting Officer.

C. Offer Prices and Evidence of Shipment

Offer prices must be quoted and delivery of product must be based on f.o.b. mechanically refrigerated cars or trucks at destination or f.a.s. vessel as specified in the applicable Invitation. Certain destinations require delivery by TRUCK ONLY or RAIL ONLY and will be so identified in the Invitation. **All products, whether shipped by truck, rail, or piggyback, must be palletized and stretch wrapped in accordance with instructions contained in the Institutional Meat Purchasing Specifications (IMPS) General Requirements unless the invitation and subsequent contract specifies “NO PALLETS.” Contractors may arrange for pallet exchange with consignee, however, USDA is in no way responsible for such arrangements. Destinations not participating in a pallet exchange will be noted on the Invitation.** Offers submitted on a basis other than f.o.b. destination or f.a.s. vessel will be rejected as non-responsive.

When notified of shipments, consignees may request upgrading of delivery services; for example, delivery within the consignee’s premises or to a specific room within a building. Such delivery terms are beyond USDA contractual requirements. Any negotiations to upgrade services are between Contractor and consignee and any additional charges for special delivery terms are between the consignee and the Contractor. Any charges invoiced to USDA for additional delivery services will be denied.

When making deliveries to more than one destination from the same railcar, the quantities required at each stopoff must be placed in separate compartments under seal. Each railcar compartment must be stacked in a manner that will preclude containers shifting while in transit.

Contracts for all lamb products purchased under this Announcement will be awarded on an f.o.b. destination or f.a.s. vessel basis with inspection and acceptance at origin. If transportation is provided by common carrier, the Contractor must support the Contractor’s invoice, by furnishing a copy of the signed commercial bill of lading indicating the carrier’s receipt of the product covered by the invoice for transportation to the destination specified in the contract. If transportation is provided by other than common carrier, the Contractor must attach to the Contractor’s invoice a receipted copy of the appropriate delivery document evidencing date of delivery and quantity received at the destination specified in the contract.

D. Responsibility of Offeror

1. Annual Certifications, Representations, and Warranties

An Offeror intending to submit bids must complete Annual Certifications, Representations, and Warranties in Appendix 1 and return it to the Contracting Officer at the mailing address listed in Section II A of this Announcement prior to the submission of its initial bid. The Appendix must be signed by an officer of the

company. If there are any changes or revisions to the annual Appendix 1, offeror must submit an updated Appendix to the Contracting Officer or submit corrections or revisions prior to bid offering.

2. Standard Form 129--Solicitation Mailing List Application

An Offeror intending to submit bids must also complete a Solicitation Mailing List Application (SF-129) and return it to the Contracting Officer at the mailing address listed in Section II A of this Announcement prior to the submission of its initial bid. If a form is currently on file, Offeror only needs to resubmit the form if the information contained on the SF-129 is no longer accurate.

All items (except Item 18) of the SF-129 must be completed (see Exhibit C). Offeror must also include the following information for Items 4, 8, 10, 16B, 19, and 20:

Items 4 and 8: The Federal or State meat inspection number and employer's identification number.

Item 8: Identify all affiliates of Offeror (applicant as shown in 4) by providing full name, main office address, and employer's identification number of the affiliates. An "affiliate" is defined on the back of the form.

Item 10: The specific product purchased by USDA the Offeror is interested in supplying, weekly volume of production, capacity, and percent of capacity available for USDA contracts. Attach separate list if additional space is needed.

Item 16B: Identify the freezer or warehouse to be used and its storage capacity.

Items 19 and 20: Must be an officer of the company.

Offeror must certify with each bid to the accuracy of the current SF-129 and Appendix 1 on file with the Contracting Officer.

3. Responsibility

A firm submitting an offer under this Announcement must meet the Federal standards for responsibility contained in Title 48 C.F.R. Subpart 9.1, USDA-1, this Announcement, and Invitations. Facilities to be used in fulfilling USDA contracts must be either operating under the provisions of the Federal Meat Inspection Act (FMIA), 21 U.S.C. 601 et seq., and the regulations issued thereunder or the State-Federal Cooperative Agreement, section 301 of FMIA.

If a contract is awarded to a Contractor which intends to produce the product in a State-inspected meat packing plant operating under Section 301 of the FMIA, the following will apply:

The product to be produced under this Announcement is for use in USDA programs in the State where the meat packing plant is located. If an intended recipient of the product cannot receive the product and the USDA cannot divert the product to another recipient within the State where it was produced, the USDA will reject, at no cost to the USDA, any undelivered product produced by such State inspected meat packing plants. Such rejection may occur at any time up until final acceptance by consignee. In the event of such rejection, the Contractor may remove USDA markings from the rejected product and sell the product in commercial channels.

Additionally, for State-inspected plants, nutrition labeling must be in accordance with State regulations and be equal to USDA-Food Safety and Inspection (FSIS) regulations at 9 CFR Parts 317 and 320.

State inspected plants may not bid on any items listed as “Federal Plants Only” in the applicable Invitation as these products move to interim facilities for processing or storage prior to shipment to other States.

4. Responsibility of Subcontractors/Suppliers

Contractor shall include, and subcontractors must meet, the responsibility terms in paragraph D.3. , above in every subcontract for supplies or services used by the Contractor in fulfilling USDA contracts, either directly or indirectly and obtain certification of responsibility **as described in Appendix 1 to Announcement LS-96 from subcontractors and suppliers.**

Contractor shall include the domestic products clause in I. F. in all subcontracts for meat or meat products used in fulfilling any contracts under this Announcement. The contractor shall also obtain certification from subcontractors or suppliers of lamb to be used in fulfilling contracts that they have been approved by the Audit, Review, and Compliance (ARC) Branch for compliance with domestic origin requirements prior to their performance on the contract. If subcontractor is operating under segregation plan approved by the ARC Branch, all shipping containers must be labeled as “domestic.” Refer to paragraph I.F. of this Announcement and the Audit, Review, and Compliance Branch Instruction for procedures on requesting domestic origin reviews and fees for service.

Subcontractors or suppliers of lamb are:

- 1) Ineligible if they do not have a domestic product program approved by the ARC Branch; or if they are delivering late on USDA contracts or USDA-approved subcontracts and late delivery is not due to causes beyond their control; and
- 2) Shall be deemed non-responsible if they are not operating under the provisions of the FMIA or have been suspended or debarred under the provisions of 48 C.F.R. Subpart 9.4, or if they have been suspended or debarred as an affiliate of any party who has been suspended or debarred under the provisions of 48 C.F.R. Subpart 9.4.

5. Past Performance

The Offeror must certify to timely performance on current contracts and subcontracts in **Item 4** of the electronic offer. A determination that the late performance is beyond the control or negligence of the Contractor or the Contractor's subcontractor **must be made by the Contracting Officer prior to bid opening**. An Offeror will be deemed nonresponsible if the Offeror **or any of its affiliates or subcontractors** are delivering late on other contracts or subcontracts with USDA and the late delivery is not due to causes beyond the Contractor's or the Contractor's subcontractor's control. This provision, as it pertains to small business, is a deviation from 48 C.F.R. Subpart 19.6.

A false certification may result in rejection of the offer, suspension, and debarment by USDA, termination of the contract, liability for damages under the provisions of USDA-1, or criminal prosecution.

Offerors are cautioned **NOT TO BID** on product quantities exceeding a level that the Offeror can reasonably expect to deliver in accordance with the contract schedule. On-time delivery is imperative because this product is used in USDA Federal food and nutrition programs. Late deliveries cause serious and substantial damages to USDA and to recipient agencies, some of which cannot be compensated for by liquidated damages. **A Contractor shipping late on contract(s) must immediately notify the Contracting Officer of late shipments. If the Contractor intends to request an extension due to causes beyond the control or negligence of the Contractor, such notice must be made to the Contracting Officer 3 business days in advance of a bid opening in which the Contractor wants to bid. Notification and request for extension must include (1) documentary evidence of causes beyond Contractor's control for each day requested, (2) a production report of completed and/or expected production including pounds and dates, and (3) actual or expected shipment dates by Notice to Deliver (N/D) numbers (see Article 68 of USDA-1).**

E. Buy American Certification

End products furnished must be of domestic origin as defined in I.F. below. This provision is a deviation from 48 C.F.R. part 25 and for the purposes of this Announcement replaces Article 49 of USDA-1.

F. Domestic Products

All meat or meat products to be used in fulfilling contracts awarded under Announcement LS-96 must be produced in the United States (U.S.). U.S.-produced means manufactured from lambs raised in the United States, its territories, possessions, Puerto Rico, or the Trust Territories of the Pacific Islands (hereinafter referred to as the United States). U.S.-produced does not include imported lamb or lambs imported for direct slaughter. If any meat or meat products originate from sources other than the U.S. are processed or handled, the Contractor will develop and maintain an identification and record system for these products to ensure they are segregated and not used to fulfill contracts awarded under this Announcement. Such segregation plan must be made available to the AMS Audit, Review, and Compliance (ARC) Branch agent. The Contractor will maintain records including, but not limited to, invoices, production and inventory records evidencing product origin, and to make such records available for review by the Government in accordance with Article 76 of USDA-1.

The Contractor agrees to include this domestic origin certification clause, in its entirety, in all subcontracts for meat or meat products used in fulfilling any contracts awarded under this Announcement; and obtain certification from each meat subcontractor that (1) the subcontractor has been approved by the ARC Branch for compliance with domestic origin requirements; (2) the subcontractor will deliver only meat or meat products originating from U.S. produced livestock as defined herein; and (3) if meat is produced under an approved ARC Branch segregation plan the meat will be shipped in containers labeled as “domestic.”

Prior to performance on USDA contracts or subcontracts, Contractors and meat subcontractors must obtain approval of its domestic product program from the ARC Branch (see Audit, Review and Compliance Branch Instruction for procedures on requesting reviews).

G. Cancellation, Rescission, and Recovery of Funds for Illegal or Improper Activity

1. If the Government receives information that a Contractor or a person has engaged in conduct constituting a violation of subsection (a), (b), (c), or (d) of section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) (the Act), as amended by section 4304 of the National Defense Authorization Act for Fiscal Year 1996 (P.L. 104-106), the Government may:
 - a) Cancel the solicitation, if the contract has not yet been awarded or issued; or
 - b) Rescind the contract with respect to which:

- i. The Contractor or someone acting for the Contractor has been convicted for an offense where the conduct constitutes a violation of subsection 27(a) or (b) of the Act for the purpose of either (a) exchanging the information covered by such subsections for anything of value; or (b) obtaining or giving anyone a competitive advantage in the award of a Federal agency procurement contract; or
 - ii. The head of the contracting activity has determined, based upon a preponderance of the evidence, that the Contractor or someone acting for the Contractor has engaged in conduct constituting an offense punishable under subsection 27(e)(1) of the Act.
2. If the Government rescinds the contract under paragraph 1 of this clause, the Government is entitled to recover, in addition to any penalty prescribed by law, the amount expended under the contract.
3. The rights and remedies of the Government specified herein are not exclusive, and are in addition to any other rights and remedies provided by law, regulation, or under this contract.

H. Service Protest

1. Protests, as defined in 48 C.F.R. part 33.101, that are filed directly with an agency, and copies of any protest that are filed with the General Accounting Office (GAO), shall be served on the Contracting Officer by obtaining written and dated acknowledgement of receipt from the Contracting Officer designated in Section II.A.
2. The copy of any protest shall be received by the Contracting Officer at the mailing address listed in Section II.A., within one (1) day of filing a protest with the GAO.

II. SUBMISSION OF OFFERS

A. Where and How to Submit Offers

1. Electronic Submission of Offers

All offers must be submitted electronically by accessing the Domestic Electronic Bid Entry System (DEBES).

Browser Requirements for DEBES for electronic bidding are described in Attachment I. An offeror must request and receive a DEBES logon ID in order to access the website (see Attachment II for the form to request a logon ID). Only approved suppliers will receive a DEBES logon ID.

Access the DEBES website at:

<https://pcsd.usda.gov:3077/mdbc1000.exe?>

Once connected to DEBES, follow the online procedures. Click on the “Help button” for detailed instructions on using the system or call (202) 720-2650 for assistance.

AMS will not be responsible for any failure attributed to the transmission of the bid data prior to being accepted and stored on our web server including, but not limited, to the following:

- a) Any failure of the offeror’s computer hardware or software,
- b) Availability of your Internet service provider,
- c) Delay in transmission due to the speed of your modem, or
- d) Delay in transmission due to excessive volume of Internet traffic.

If an offeror’s Internet Service Provider (ISP) is not available, the offeror may submit a FAX bid. If an offeror plans to submit a FAX bid, the offeror **MUST** contact the Contracting Officer for approval prior to faxing the offers.

Note: Exhibits E and F provide an example of how offers may be submitted by fax:

- a) Facilities for receiving offers by FAX are as follows. Submission by FAX is only to be used in the event the offeror’s ISP service is not available and with the approval of the Contracting Officer.
FAX (202) 205-1976 (24 Hours)
- b) Verification: **USDA-AMS-Information Technology, Network Telecommunication Section (NTS), Communications Center, (202) 720-2104** (6:30 a.m. - 3:00 p.m., Central Time, Monday - Friday)

Faxed offers, modifications, or withdrawals of offers must be addressed as follows:

Contracting Officer
Livestock and Seed Program
Agricultural Marketing Service
U.S. Department of Agriculture
Stop 0253, Room 2610-South Building
1400 Independence Avenue, SW
Washington, D.C. 20250

B. Where and When to Submit Offers

Offers, modifications, or withdrawals of offers must be submitted to the Contracting Officer, Livestock and Seed Program, Agricultural Marketing Service (AMS), U.S. Department of Agriculture, Washington, D.C. 20250.

Offers, modifications, or withdrawals of offers under this Announcement must be received into either the **DEBES Lockbox, or, if authorized by the Contracting Officer, faxed to the NTS's Communications Center not later than 1:30 p.m., Central Time**, on the date specified in the Invitation. A planned purchase schedule for lamb is included as **Exhibit D**. USDA may change this schedule or cease purchases depending on market conditions or funding considerations. Invitations will be issued by Facsimile, as needed, and made available electronically through the USDA, AMS Commodity Procurement Home Page and posted on the DEBES Internet site. If the planned bid date in **Exhibit D** or the Invitation falls on a nonworkday for USDA employees in the District of Columbia, offers, modifications, or withdrawals are to be received by 1:30 p.m., Central Time on the next succeeding business day. Whether an offer, modification, or withdrawal is received within the time limitation will be determined by the latest time recorded in DEBES or the time stamp recorded by AMS-NTS-Communications Center in the event the offer is faxed.

C. Shipping Periods

Planned shipping periods for each invitation are included in Exhibit D. USDA may change this schedule. Bidders are cautioned to refer to the applicable invitation prior to bidding.

To allow more transit time and reduce late deliveries, the USDA contract shipping period, for all lamb products begins 4 days in advance of the recipient's expected arrival time.

D. Purchase Units

The minimum purchase unit size for the various lamb products to be purchased is shown in Exhibit A. The quantity offered on bids must be in purchase unit increments. An offeror may bid the entire quantity on the Invitation or a greater amount, but not less than one unit (i.e., 36,000 pounds). Only one offer price may be quoted to any delivery point listed from each shipping point, including combined destinations bracketed as one line item. Offerors may rearrange the destination sequence on these combined delivery units.

E. What to Submit

An offer must include each of the following items:

Section 1--General

1. Name, phone number, and complete address and zip code of Offeror (include both street and mailing address if different).
2. Identify submission as a bid. STATE: Bid--ANNOUNCEMENT LS-96, Invitation No. __.
3. Name and street address including zip code of (a) final processing point and (b) shipping point.

Section 2--Offer Form

1. Item number listed on applicable Invitation, destination, and price per pound delivered to specific destination, segregated by product type if more than one is requested.

Notes: For bids other than electronic, Offerors may exclude, at their own risk, name of destination. Errors in item number(s) will not be apparent to Contracting Officer.

Quote only one delivered price per pound for each destination or multiple destinations listed as one item number. If more than one price per item is quoted, the line item will be ruled nonresponsive.

Estimated number of purchase units by destination will be listed on the Invitation. The Offeror must not indicate the number of purchase units by destination. USDA may adjust the quantities listed on the Invitation based on offerings, market conditions, and/or program requirements.

Transportation restrictions will be shown on the Invitations.

The Offeror may submit offers for as many destinations as desired. The maximum quantity to be awarded is determined by the constraints quoted in Section 3, Constraints, of the bid.

Offer prices may be quoted up to four places to the right of the decimal point. **If other than four places, any digit past the fourth will automatically be dropped.**

Section 3 --Constraints

1. State maximum quantity of each commodity type (if applicable) to be awarded and/or maximum quantity overall for invitation (if applicable), both in number of purchase units and equivalent net pounds for shipment to required destinations between (date) and (date).

Notes: If offering for more than one processing point, be sure to indicate the number of units offered for each commodity type and/or maximum quantity overall for each processing point.

Maximum quantity offered may be greater than demand shown on the invitation.

Total overall for specific product types or Invitation is optional. **If total overall is not quoted, AMS may award up to the maximum for each type.**

State the applicable shipping period(s) associated with the Invitation.

Section 4--Certifications

1. For this bid, your company is designated as: (choose one)

- Large Business
- Large Minority Business
- Large Woman-Owned Business
- Large Woman-Owned Minority Business
- Small Business
- Small Minority Business
- Small Disadvantaged "Not 8A"
- Small Woman-Owned Minority
- Small Woman-Owned "Not 8A"
- "8a" Small Woman-Owned
- "8a" Small Disadvantaged

NOTE: For bids submitted electronically, if default designation is incorrect, please choose correct designation and notify Contracting Officer.

2. By submitting this bid, Offeror certifies it HAS read and DOES agree to the terms of LS-96; Appendix 1; Inv. ____; Exhibit A dated June 2002 to LS-96; USDA-1, Rev. 2, and Amds. 1,2,3, and 4. *(If submitting electronically, both boxes must be selected.)*
 - Has
 - Does

3. (a) Annual Representations, Certifications, and Warranties (Appendix 1) submitted to the Contracting Officer are current, accurate, and complete. Submitted to Contracting Officer (mm/dd/yyyy):_____
- (b) If Appendix HAS been amended, enter date amended:_____ or N/A.
4. Offeror certifies that the SF-129 on file with the Contracting Officer is accurate and part of this offer.
 - Does
 - Does Not
5. All product required under any existing USDA contract(s) or subcontract(s) with a Not- Later-Than-Date prior to this bid opening HAS been shipped?
 - Has
 - Has Not
 - Has Not, But Has Notified C/O
 - No Existing Contracts
6. Show name, title, fax number, and phone number of person submitting this bid (must be an **authorized company representative**).

NOTE: **Exhibits E and F**, attached, show how offers may be submitted by FAX, giving all essential details in the briefest possible manner using above format. This format is for use only in the event an offeror's ISP is unavailable at time of bid closing.

III. ACCEPTANCE OF OFFERS

The USDA will award contracts to responsible bidders whose bids conform to the Announcement and the applicable Invitation and whose bids are most advantageous to the Government in terms of, but not limited to, price, quantity needs at the specified destinations, and cost. The USDA requires a minimum acceptance period of 7 calendar days. Acceptance of offers will be made by FAX, filed at Washington, D.C., no later than midnight, Washington, D.C. time, the seventh day following the day for receipt of offers.

The official time of award is the date and time stamped on the contract faxed from the AMS, LS, and CP Branch. Transmission of the contract is the official notice that the contract has been awarded. A notice of award will also be issued in the form of a Food Purchase Report (FPR) posted at the Department's Office of Information, News Division, after **1 p.m., Central Time** on the day of acceptance. Information on awards will be available by telephone to bidders and interested parties promptly following the posting of the FPR. Inquiries may be made to a **USDA-AMS Market News office or the**

Contracting Officer. Information on awards is also available electronically through the USDA, AMS Commodity Procurement Home Page (see Notice attached).

Failure to accept an offer will constitute rejection. Filing of the acceptance wire as specified above will result in a binding contract without further action by either party. The actual time of award described herein deviates from 48 C.F.R. 14.408-1.

IV. PROVISIONS OF CONTRACT

The contract consists of Announcement LS-96; the applicable Invitation; Technical Data Supplement TDS-200 dated June 2000, Amendment 1 dated March 15, 2002, and IMPS; applicable MGCB and ARC Branch Instructions; Contractor's offer including SF-129 and Appendix 1; the acceptance by USDA; and USDA-1 except Articles 34, 49, 50, 64(c), and all of Part E.

If the provisions of contract documents are not consistent, the following priority order will prevail: Invitation, Announcement, Technical Data Supplement TDS-200, IMPS, Appendix 1, and USDA-1.

V. PRODUCT SPECIFICATIONS AND CERTIFICATION SERVICES

- A. Specifications for lamb items are identified in the Exhibit A Checklist. If documents are amended, this Checklist will be updated to include appropriate references.

AMS agents, under the direction of the Livestock and Seed Program, will perform all examinations and tests as required. AMS Agents will conduct all certification services in accordance with the applicable Meat Grading and Certification Branch (MGCB) Instruction(s). The cost of all certification services performed by the AMS agents involving examinations, supervision, official documentation, and related services must be borne by the Contractor.

- B. For certification services (other than those charges associated with audits), AMS will pay per diem and travel expenses, including travel time, involved in transporting the AMS agents from a duty point into the area of a Contractor or Subcontractor's plant. However, payment of these charges by USDA will only be made when the services rendered by an AMS agent are directly related to production for specific, outstanding contracts. When the services of the AMS agent are performed for the account of a Subcontractor, the serial contract number in which the product will be used must be declared to the AMS agent. Per diem and travel expenses will be prorated to the Contractor for any official services performed by the AMS agent not related to acceptance of USDA-purchased commodities to which these provisions apply. The cost of all AMS audits, including per diem and travel expenses, must be borne by the Contractor or Subcontractor.

- C. All local travel and travel time will be charged to the Contractor or Subcontractor in accordance with the applicable Meat Grading and Certification Branch Instructions and regulations. The regular hourly fee rate and established fees for required laboratory analyses will be charged as applicable.
- D. Questions concerning charges and the availability of AMS agents should be discussed with the nearest Meat Grading and Certification Branch field office or telephone headquarters in Washington, D.C. at (202) 720-1246.

The full cooperation of all Contractors and Subcontractors will be required in planning production and shipping schedules to permit maximum effective utilization of AMS agents and to minimize travel and per diem costs. Contractors or Subcontractors will be expected to use AMS agents assigned on a full-time basis. In those instances where local operating conditions will not permit them to utilize the AMS agent's time fully each day and on successive days, Contractors or Subcontractors may be required to enter into a short-term commitment agreement in which they agree to pay for a minimum of 8 hours per day for a specified period of time.

VI. LOSS DUE TO DETERIORATION, SPOILAGE, OR RECALL

A. Loss Due to Deterioration or Spoilage

The Contractor will be liable for losses due to deterioration or spoilage for which he or she is responsible, which are discovered within 6 months of the date of delivery to USDA, in accordance with the provisions of Article 61 of USDA-1.

B. Liabilities Due to Product Recalled for Health or Safety Risk

In accordance with Article 60 of USDA-1, the Contractor shall be held liable for failure of the commodity to meet all of the contract and specifications requirements. In the event product is recalled, due to a health or safety risk, the Contractor is responsible for removal and replacement of recalled products and reimbursement of State and Local costs incurred as a result of the recall. As outlined in the Food and Nutrition Service's Commodity Holds and Recall Process, these costs include, at a minimum, storage, transportation, processing, and distribution of the commodities.

If the product under contract is to be delivered to a facility for further processing under contract with a State and the product is recalled, it will be handled in accordance with the Food and Nutrition Service's Commodity Holds and Recall Process. A copy of the report can be obtained at the following web address:

<http://www.fns.usda.gov/fdd/foodsafety/hold-recallprocedures.pdf>

VII. INSPECTION/CERTIFICATION AND CHECKLOADING

Inspection and/certification checkloading as required by Articles 54 and 55 of USDA-1 must be performed by an AMS agent. The Contractor will not ship the product before receipt of shipping instructions from the Farm Service Agency (FSA) Kansas City Commodity Office (KCCO) or before the product has been inspected by the AMS agent and found to meet contract specifications.

VIII. SHIPMENT--TRANSFER OF TITLE

A. Shipping Requirements

Shipment must be made in accordance with this Announcement, the applicable Invitation, Articles 56 and 64(b) of USDA-1, and the Notice-to-Deliver (Form KC-269) issued by KCCO. The Contractor must closely follow delivery notification instructions contained in the Notice-to-Deliver. Such notification of delivery is vital to proper execution of shipment, particularly in cases of minimal transit time.

The Contractor must notify State distributing agencies and consignees of shipment. For rail shipment, notification must be made on the day of shipment. For truck shipment, notification of the estimated arrival time should be made as far in advance of delivery as possible. In addition, for truck or piggy-back shipment, the Contractor must request and keep scheduled appointments. **Unloading appointments for truck or piggy-back deliveries or shipment must be requested from the consignee contact party(ies) at least 24 hours in advance of delivery.** A copy of the original USDA Agricultural Products Acceptance Certificate must accompany each shipment so that it will be easily available to the warehouseman or consignee (as applicable) upon arrival.

B. Tolerances

The Contractor must ship the quantity called for on the Notice-to-Deliver however, a tolerance of plus or minus 30 pounds per shipping unit is allowed.

C. Early Shipment Requests

Requests for permission to ship in advance of the "Not-Earlier-Than" date given in the Notice-to-Deliver must be made to KCCO and approval will be granted if consignee is willing to accept product early and the Contractor arranges for the availability of an AMS agent to perform necessary checkloading and final acceptance duties and provides to KCCO the assurances required by KCCO of that arrangement.

D. Transfer of Title

Title and risk of loss will pass to USDA on the date of receipt of the product at the destination specified in the contract, as evidenced by suitable dated documentation such as the **commercial bill of lading**, warehouse receipt, dock receipt, or other similar

signed and dated document evidencing delivery. If the Contractor has the product in storage and transfer of title is requested, title will pass to USDA as evidenced by the commercial bill of lading after final certification of the shipping unit by an AMS agent. The Contractor is responsible for any shortage or damages as evidenced by the **commercial bill of lading, FNS-57 report**, or other commercial receipt evidencing delivery of product.

IX. LIQUIDATED DAMAGES

A. Compensation to Contractor for Late Mailing of Notice-to-Deliver

Liquidated damages for delay in shipment or delivery due to late mailing of Notice-To-Deliver will be payable in accordance with Article 65 of USDA-1 and will be at the rate of 25 cents per hundredweight **net per calendar day**.

B. Compensation to USDA for Delays in Shipment

Timely delivery is important to fulfill the nutritional and dietary needs of persons consuming frozen lamb products under Federal food and nutrition programs and for the efficient and proper administration of these programs. Liquidated damages for delay in shipment are payable at the rate of 25 cents per hundredweight for frozen lamb products net per day in accordance with Article 67 of USDA-1. For purposes of assessing liquidated damages for delay in shipment, the date shown on the acceptance certificate is considered to be the date of shipment.

X. INVOICES AND PAYMENT

A. Shipping Period Contracts

Invoicing and payment will be handled in accordance with Article 70 of USDA-1 except that a properly prepared invoice consists of the following:

- (1) Invoicing as provided for on the Notice-to-Deliver (Form KC-269) or commercial invoice form;
- (2) Original USDA Agricultural Products Acceptance Certificate issued at time of shipment; and
- (3) Commercial Bill of Lading signed by the carrier's agent evidencing quantity shipped and date of shipment.

Any loss in transit will be determined by an Over, Short, or Damage Report (FNS-57) filed by recipient. KCMO will advise contractor of discrepancy and recover loss by setoff from future payments or process a claim.

Contractors performing under a destination shipping period contract are encouraged to instruct carriers to return bills of lading or other commercial

receipts signed by recipient agents evidencing the quantity date and quantity of product received to avoid conflicts. If there is a conflict discovered after delivery, the Bill of Lading signed by the recipient representative will prevail unless the discrepancy is due to damage not discernable at time of delivery.

B. Invoice Mailing & Interest

1. The invoice package must be mailed or delivered to Kansas City Management Office (KCMO) at the address listed in Section XI. The outside of the package should be marked:

**“Prompt Pay Provisions Apply--Meat Product
Attn: Vendor Invoice Payment Section”**

2. Interest will be paid in accordance with the provisions of the Prompt Payment Act if payment is made beyond the seventh day after the date of delivery. For payment purposes, the date of delivery will be the receipt date by KCMO of a properly prepared invoice.

C. Electronic Payment

Payments may be made directly to a financial banking institution. To receive payments electronically, complete the attached Form SF-3881, ACH Vendor Payment Enrollment Form and submit to the Kansas City Management Office, Commodity Financial Operations Division, Inventory Control Branch; Telephone (816) 926-2550.

USDA will no longer issue a paper copy of the disbursement statement. Please see attached Notice on how to obtain the disbursement information electronically.

XI. INQUIRIES

Inquiries pertaining to this Solicitation and applicable documents should be directed to the Contracting Officer, Livestock and Seed Program; USDA, AMS, Room 2610-S; P.O. Box 96456; Washington, D.C. 20090-6456. Telephone: (202) 720-2650.

Inquiries concerning shipping instructions should be directed to:

Director, Kansas City Commodity Office (KCCO)
Farm Service Agency
U.S. Department of Agriculture
P.O. Box 419205
Kansas City, MO 64141-6205

Telephone: (816) 926-6062 (concerning shipping instructions)

Inquiries concerning payments should be directed to:

Director, Kansas City Management Office (KCMO)
Farm Service Agency
U.S. Department of Agriculture
P.O. Box 419205
Kansas City, MO 64141-6205

Telephone: (816) 926-6205 (concerning payments)

/s/William T. Sessions

Deputy Administrator
Livestock and Seed Program
Agricultural Marketing Service

Attachments



United States
Department of
Agriculture

Agricultural
Marketing
Service

Stop 053-, Room 2610-South
1400 Independence Avenue, SW
Washington, DC 20250-0253

EXHIBIT A

DATED JUNE 2002

CHECKLIST AND REFERENCES TO APPLICABLE BID AND CONTRACT PROVISIONS
ANNOUNCEMENT LS-96 FOR FROZEN LAMB PRODUCTS

PRODUCT DESCRIPTIONS (SECTION I. A. GENERAL)						BID/CONTRACT PROVISIONS				
Product/ Commodity Box Code	Specifications Listed in Priority Order	IMPS Item No./Spec.	Commodity Purchase Code	Packaging and Packing	Minimum Purchase Unit Size/ Shipping Unit	Tolerance Section VIII. B	Shipping Period Section II.C.; IV and VIII	Federal /State Plants Section I. D. 3	Competition (See Invitation)	Payment Section X
Lamb Roasts and Stew Meat A622 (Type 1) Weight Range: 208A-1½ to 4 lbs 234B: Outside-2 to 4 lbs Inside-1½ to 3 lbs	TDS-200 dated June 2000, Amendment 1 dated March 2002 IMPS 200 dated April 1996 IMPS General Requirements dated June 1996 IMPS Quality Assurance dated June 1997	IMPS 208A- Lamb Shoulder, Outside, Boneless, Tied IMPS 234B- Lamb, Leg, 2- way, Boneless and IMPS 295- Lamb for Stewing	19 38 42	The lamb shoulder (208A) and outside leg roast (234B) will be netted or tied. All roasts will be vacuumed packaged. Roast will be packed 40 pounds net per shipping container. Lamb for stewing will be packaged in 10 - 4 pound packages and packed to 40 pounds net per shipping container	36,000 lbs 900 cases Each shipping unit will contain roasts and stew meat in accordance with percentages below: 208A -- 20-30% 234B -- 50-70% 295 -- 10-20%	36,000 lbs - plus or minus 30 lbs per shipping unit	14-day shipping period	Federal & State	Full and Open	Upon Shipment X.B.
Lamb Roasts A623 (Type 2) Weight Range: 208-2 to 4 lbs 234A-2 to 4 lbs	TDS-200 dated June 2000, Amendment 1 dated March 2002 IMPS 200 dated April 1996 IMPS General Requirements dated June 1996 IMPS Quality Assurance dated June 1997	IMPS 208 - Lamb Shoulder, Square-Cut, Boneless, Tied IMPS 234A Lamb Leg, Shank Off, Boneless	19 30 42	The lamb shoulder (208) will be netted or tied. All roasts will be vacuumed packaged. Roasts will be packed 40 pounds net per shipping container.	36,000 lbs 900 cases Each shipping unit will contain both roasts in accordance with percentages below: 208 -- 30-40% 234A -- 60-70%	36,000 lbs - plus or minus 30 lbs per shipping unit	14-day shipping period	Federal & State	Full and Open	Upon Shipment X.B.
Lamb Shoulder Roasts A625 (Type 3) Weight Range: 208-2 to 4 lbs	TDS-200 dated June 2000, Amendment 1 dated March 2002 IMPS 200 dated April 1996 IMPS General Requirements dated June 1996 IMPS Quality Assurance dated June 1997	IMPS 208 - Lamb Shoulder, Square-Cut, Boneless, Tied	19 32 40	The lamb shoulder (208) will be netted or tied. All roasts will be vacuumed packaged. Roasts will be packed 40 pounds net per shipping container.	36,000 lbs 900 cases	36,000 lbs - plus or minus 30 lbs per shipping unit	14-day shipping period	Federal & State	Full and Open	Upon Shipment X.B.
Lamb Leg Roasts A624 (Type 4) Weight Range: 234A-2 to 4 lbs	TDS-200 dated June 2000, Amendment 1 dated March 2002 IMPS 200 dated April 1996 IMPS General Requirements dated June 1996 IMPS Quality Assurance dated June 1997	IMPS 234A Lamb Leg, Shank Off, Boneless	19 31 40	The leg roast (234A) will be netted or tied. All roasts will be vacuumed packaged. Roasts will be packed 40 pounds net per shipping container.	36,000 lbs 900 cases	36,000 lbs - plus or minus 30 lbs per shipping unit	14-day shipping period	Federal & State	Full and Open	Upon Shipment X.B.

SAMPLE INVITATION

DATE: FROZEN LAMB PRODUCTS, ANNOUNCEMENT LS-96, INVITATION NO._:

The U.S. Department of Agriculture (USDA) invites offers pursuant to ANNOUNCEMENT LS-96 to sell frozen lamb products for use in Federal food and nutrition programs. Purchases will be made on a shipping period basis to destinations indicated below. Destination quantities listed are estimates and are subject to adjustment based on offerings, changes in recipient needs, market conditions, and program operations.

All offers must be in the format prescribed in LS-96 and be received by 1:30 p.m., **Central Time** in Washington, D.C., Friday,____, 2000. Acceptances will be announced by midnight, Friday,_____, 2000, shipments are to be made between ____and____, 2000.

Bids must be submitted electronically via the Internet. Offerors must be assigned a Logon ID by USDA to access the site. The Internet address is <https://pcsd.usda.gov:3077/mdbc1000.exe?> Once connected, follow the online procedures. A "HELP" button provides detailed instructions or call (202) 720-2650 for assistance.

Inquiries about ANNOUNCEMENT LS-96 or this Invitation should be directed to the Contracting Officer, Livestock and Seed Program; USDA, AMS, Room 2610-South; Mail Stop 0253; 1400 Independence Avenue, SW; Washington, D.C. 20250-0253. Telephone: (202) 720-2650; FAX (202) 205-1976.

ANNOUNCEMENT : LS-96
INVITATION : 100

COMM GROUP : 19 Red Meat - Varied Types
COMM TYPE : 30 Lamb Roast
PACK SIZE : 42 38-42 Lb Ctn

ITEM NO	DESTINATION CITY	ST	TRANS RESTR	QUANTITY (LBS.)
-----	-----	----	-----	-----
SHIPPING PERIOD 01/30/00 – 02/12/00				
001	VANDIVER	AL		72,000
002	DURAND	GA	TRUCK ONLY	36,000 NO PALLETS
003	PALMDALE	FL		72,000
TOTAL QUANTITY FOR COMMODITY TYPE				180,000
TOTAL QUANTITY FOR INVITATION				180,000

CONTRACTING OFFICER

SOLICITATION MAILING LIST APPLICATION				1. TYPE OF APPLICATION		2. DATE		OMB No.: 9000-0002	
				<input checked="" type="checkbox"/> INITIAL <input type="checkbox"/> REVISION		5/27/98		Expires: 10/31/97	
NOTE: Please complete all items on this form. Insert N/A in items not applicable. See reverse for instruction. Public reporting burden for this collection of information is estimated to average .58 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the FAR Secretariat (MVR), Federal Acquisition Policy Division, GSA, Washington, DC 20405.									
3. SUBMIT TO	a. FEDERAL AGENCY'S NAME USDA, AMS, Livestock and Seed Program				4. APPLICANT	a. NAME Lakeshore Meat FI No. 7999 TIN No 9734565837			
	b. STREET ADDRESS Room 2610-South, P.O. Box 96456					b. STREET ADDRESS 1275 Corwith Avenue		c. COUNTY EI 197643	
	c. CITY Washington		d. STATE DC	e. ZIP CODE 20090-6456		d. CITY Calumet		e. STATE IL	e. ZIP CODE 67345
5. TYPE OF ORGANIZATION (Check one)					6. ADDRESS TO WHICH SOLICITATIONS ARE TO BE MAILED (If different than item 4)				
<input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> NON-PROFIT ORGANIZATION <input type="checkbox"/> PARTNERSHIP <input checked="" type="checkbox"/> CORPORATION, INCORPORATED UNDER THE LAWS OF THE STATE OF: Illinois					a. STREET ADDRESS Same as #4 b. COUNTY c. CITY d. STATE e. ZIP CODE				
7. NAMES OF OFFICERS, OWNERS, OR PARTNERS									
a. PRESIDENT George Coates				b. VICE PRESIDENT Martha Jersild		c. SECRETARY Robert Olson			
d. TREASURER Walter Schnaak				e. OWNERS OR PARTNERS Shareholders of the Corporation					
8. AFFILIATES OF APPLICANT									
NAME Broadview Foods, TIN No. XXXXXXXXXX FI No. 2121				LOCATION 7893 Dolton Ave., Highland, IL 67347			NATURE OF AFFILIATION Parent Company		
9. PERSONS AUTHORIZED TO SIGN OFFERS AND CONTRACTS IN YOUR NAME (Indicate if agent)									
NAME				OFFICIAL CAPACITY		TELEPHONE NUMBER			
						AREA CODE		NUMBER	
Edgar Kauffman				Sales Manager		611		796-1992	
Andrew Terrill				Production Manager		611		796-1992	
10. IDENTIFY EQUIPMENT, SUPPLIES, AND/OR SERVICES ON WHICH YOU DESIRE TO MAKE AN OFFER (See attached Federal Agency's supplemental listing and instruction, if any)									
Commodity: Lamb legs Current Weekly Prod. 450,000 Additional Capacity 100,000 % available for USDA Contracts 35% Shoulders 250,000 25,000 15%									
11a. SIZE OF BUSINESS (See definitions on reverse)				11b. AVERAGE NUMBER OF EMPLOYEES (including affiliates) FOR FOUR PRECEDING CALENDAR QUARTERS			11c. AVERAGE ANNUAL SALES OR RECEIPTS FOR PRECEDING THREE FISCAL YEARS		
<input checked="" type="checkbox"/> SMALL BUSINESS (If checked, complete items 11b and 11c) <input type="checkbox"/> OTHER THAN SMALL BUSINESS				250			\$ 35,245,000.00		
12. TYPE OF OWNERSHIP (See definitions on reverse) (Not applicable for other than small businesses)				13. TYPE OF BUSINESS (See definitions on reverse)					
<input type="checkbox"/> DISADVANTAGED BUSINESS <input type="checkbox"/> WOMAN-OWNED BUSINESS				<input checked="" type="checkbox"/> MANUFACTURER OR PRODUCER <input type="checkbox"/> CONSTRUCTION CONCERN <input type="checkbox"/> SURPLUS DEALER <input type="checkbox"/> SERVICE ESTABLISHMENT <input type="checkbox"/> RESEARCH AND DEVELOPMENT					
14. DUNS NO. (If available)				15. HOW LONG IN PRESENT BUSINESS?					
02-78396				68 years					
16. FLOORSPACE (Square Feet/M ²)				17. NET WORTH					
a. MANUFACTURING		b. WAREHOUSE		a. DATE			b. AMOUNT		
44,000		150,000 * See Below		December 31, 1997			\$ 8,538,432.95		
18. SECURITY CLEARANCE (If applicable, check highest clearance authorized)									
FOR		TOP SECRET	SECRET	CONFIDENTIAL	c. NAMES OF AGENCIES GRANTING SECURITY CLEARANCES			d. DATES GRANTED	
a. KEY PERSONNEL									
b. PLANT ONLY									
The information supplied herein (including all pages attached) is correct and neither the applicant nor any person (or concern) in any connection with the applicant as a principal or officer, so far as is known, is now debarred or otherwise declared ineligible by any agency of the Federal Government from making offers for furnishing materials, supplies, or services to the Government or any agency thereof.									
19a. NAME OF PERSON AUTHORIZED TO SIGN (Type or print)				20. SIGNATURE			21. DATE SIGNED		
George Coates							05/26/98		
19b. TITLE OF PERSON AUTHORIZED TO SIGN (Type or print)									
President									
AUTHORIZED FOR LOCAL REPRODUCTION Previous edition not usable				* Robertson Bonded Warehouse 834 Bellwood Avenue Irondale, IL 59571			STANDARD FORM 129 (REV. 12-98) Prescribed by GSA - FAR (48 CFR) 53.214(a)		

INSTRUCTIONS

Persons or concerns wishing to be added to a particular agency's bidder's mailing list for supplies or services shall file this properly completed Solicitation Mailing List Application, together with such other lists as may be attached to this application form, with each procurement office of the Federal agency with which they desire to do business. If a Federal agency has attached a Supplemental Commodity list with instructions, complete the application as instructed. Otherwise, identify in Item 10 the equipment, supplies, and/or services on which you desire to bid. (Provide Federal Supply Class or Standard Industrial Classification codes, if available.) The application shall be submitted and signed by the principal as distinguished from an agent, however constituted.

After placement on the bidder's mailing list of an agency, your failure to respond (submission of bid, or notice in writing, that you are unable to bid on that particular transaction but wish to remain on the active bidder's mailing list for that particular item) to solicitations will be understood by the agency to indicate lack of interest and concurrence in the removal of your name from the purchasing activity's solicitation mailing for items concerned.

SIZE OF BUSINESS DEFINITIONS
(See Item 11A.)

a. Small business concern - A small business concern for the purpose of Government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is competing for Government contracts, and can further qualify under the criteria concerning number of employees, average annual receipts, or the other criteria, as prescribed by the Small Business Administration. (See Code of Federal Regulations, Title 13, Part 121, as amended, which contains detailed industry definitions and related procedures.)

b. Affiliates - Business concerns are affiliates of each other when either directly or indirectly (i) one concern controls or has the power to control the other, or (ii) a third party controls or has the power to control both. In determining whether concerns are independently owned and operated and whether or not affiliation exists, consideration is given to all appropriate factors including common ownership, common management, and contractual relationship. (See Items 8 and 11A.)

c. Number of employees - (Item 11B) In connection with the determination of small business status, "number of employees" means the average employment of any concern, including the employees of its domestic and foreign affiliates, based on the number of persons employed on a full-time, part-time, temporary or other basis during each of the pay periods of the preceding 12 months. If a concern has not been in existence for 12 months, "number of employees" means the average employment of such concern and its affiliates during the period that such concern has been in existence based on the number of persons employed during each of the pay periods of the period that such concern has been in business.

TYPE OF OWNERSHIP DEFINITIONS
(See Item 12.)

a. "Disadvantaged business concern" - means any business concern (1) which is at least 51 percent owned by one or more socially and economically disadvantaged individuals; or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals; and (2) whose management and daily business operations are controlled by one or more of such individuals.

b. "Women-owned business" - means a business that is at least 51 percent owned by a woman or women who are U.S. citizens and who also control and operate the business.

TYPE OF BUSINESS DEFINITIONS
(See Item 13.)

a. "Manufacturer or producer" - means a person (or concern) owning, operating, or maintaining a store, warehouse, or other establishment that produces, on the premises, the materials, supplies, articles or equipment of the general character of those listed in Item 10, or in the Federal Agency's Supplemental Commodity List, if attached.

b. "Service establishment" - means a concern (or person) which owns, operates, or maintains any type of business which is principally engaged in the furnishing of nonpersonal services, such as (but not limited to) repairing, cleaning, redecorating, or rental of personal property, including the furnishing of necessary repair parts or other supplies as a part of the services performed.

- **COMMERCE BUSINESS DAILY** - The Commerce Business Daily, published by the Department of Commerce, contains information concerning proposed procurements, sales, and contract awards. For further information concerning this publication, contact your local Commerce Field Office.

**ANNOUNCEMENT LS-96
PLANNED PURCHASE SCHEDULE**

INV. NO.	COMMODITY TYPE	BID OPENING	AWARD DATE (NLT)	PRODUCTION	14 DAY SHIPPING PERIOD
01	Lamb-Specified in Invitation	06/28/02	07/05/02	6 weeks	08/18-08/31/02
02	Lamb-Specified in Invitation	07/12/02	07/19/02	6 weeks	09/01-09/14/02
03	Lamb-Specified in Invitation	08/02/02	08/09/02	6 weeks	09/22-10/05/02
04	Lamb-Specified in Invitation	08/23/02	08/30/02	6 weeks	10/13-10/26/02
05	Lamb-Specified in Invitation	09/13/02	09/20/02	6 weeks	11/03-11/16/02

NOTE: The above purchase schedule is for informational purposes only. USDA may change this schedule or cease purchases depending on market on funding considerations. Bidders are cautioned to refer to the applicable Invitation prior to submitting offers.

SAMPLE OFFER WIRE OR LETTER

Format to follow only in the event of USDA system failure or an offeror's ISP is unavailable at the time of bid closing.

NOTE: Bids are to be faxed ONLY if electronic bid submission is due to USDA system failure or offeror's ISP is unavailable. Offerors MUST contact the Contracting Officer prior to faxing offer.

The following example shows how offer wires or letters may be submitted giving all essential details in the briefest possible manner. Basic to this procedure is a number identification with each line item of information required in the offer (See format in section II E of Announcement LS-96.)

Address to: Contracting Officer, Livestock and Seed Program
 USDA, AMS, Room 2610-South BID FAX NUMBER: 202-205-1976
 Agricultural Marketing Service BID RECEIPT VERIFICATION: 202-720-2104
 Post Office Box 96456
 Washington, D.C. 20250
 Telephone: 202-720-2650

Section 1--General

- | | | |
|----|---|--|
| 1. | John Jones Packing Co.
22 Main Street
(P.O. Box 123)
Berwyn, Maine 55507 | TEL. 705-555-2121 |
| 2. | LS96/100 | |
| 3. | Plant
John Jones Meat Packing
22 Main Street
Berwyn, ME 55501 | Shipping Point
Jones Meat Packing
22 Main Street
Berwyn ME 55501 |

Section 2--Offer Form

- | | | |
|----|------------------------------------|----------------------|
| 1. | ALTERNATE FORMAT | |
| | (1) Vandiver, AL, \$1.3687 per lb. | (1) \$1.3687 per lb. |
| | (2) Durand, GA, \$1.3686 per lb. | (2) \$1.3686 per lb. |
| | (3) Palmdale, FL, \$1.3685 per lb. | (3) \$1.3685 per lb. |

Section 3--Constraints

- | | |
|----|---|
| 1. | Maximum to be awarded
3 offer units, 108,000 pounds; lamb (Type 1) for shipment between ____ and ____. |
|----|---|

Section 4--Certifications

1. Small Business
2. HAS
DOES
3. 11/30/00 (date Appendix 1 was signed by Offeror)
(b) N/A
4. DOES
5. NO EXISTING CONTRACTS
6. Edgar Kauffman, Sales Mgr. , FAX 705-347-8333, TEL. 705-347-1715
(Signature Required)

SAMPLE OFFER ELECTRONICALLY SUBMITTED

Submitted at: 12/13/1999 - 10:19:19 am Central Time
 JONES MEAT PACKING CO.
 22 MAIN STREET
 BERWYN, ME 55507

LS-96/100, FROZEN LAMB

Authorized Changes and Comments						
Date		Time	USDA ID		Comments	
Plant 01-Jones Meat Packing, 22 Main Street, Berwyn, ME						
Shipping Point 01-Jones Meat Packing, 22 Main Street, Berwyn, ME						
LAMB ROAST						
Line Item	Pack Size	Destination	Delivery Period	Est LBS	Price/LBS	Tran Mode
001	38-42 LB CTN	VANDIVER, AL	01/30/2000 - 02/12/2000	36,000	1.3687	Truck
002	38-42 LB CTN	DURAND, GA	01/30/2000 - 02/12/2000	36,000	1.3686	Truck
003	38-42 LB CTN	PALMDALE, FL	01/30/2000 - 02/12/2000	36,000	1.3685	Truck

Constraints				
Const #	Max Qty	Plant Location	Shipping Period	Product
1	3	01-John Jones Packing	01/30/2000 - 02/12/2000	LAMB ROASTS
Certifications				
For this bid your company is designated as: SMALL BUSINESS				
Question			Answer	
01) By submitting this bid, Offeror certifies it HAS read and DOES agree to the terms of LS-96 ; Inv. 100, Exhibit A to LS-96, USDA 1, Rev. 2, and Amnds1,2,3,and 4 (Both boxes must be selected)			HAS DOES	
02A) Annual Representations, Certifications and Warranties (Appendix 1) submitted to the Contracting Officer are current, accurate, and complete. Submitted to Contracting Officer (mm/dd/yyyy)			8/30/2000	
02B) If Appendix HAS been amended, enter date amended or N/A.			N/A	
03) Offeror certifies that the SF-129 on file with the Contracting Officer is accurate and part of this offer.			DOES	
04) All product required under existing USDA contract(s) or subcontract(s) with a Not Later Than Date prior to this bid opening HAS been delivered.			NO EXISTING CONTRACTS	
05) Show name, title, fax number, and phone number of person submitting bid (must be an authorized company representative).			Edgar Kaufmann, President Fax 705-347-8333 Phone 705-347-1715	

High Bid Price: 1.3687 Line Item: 001
 Low Bid Price: 1.3685 Line Item: 003
 Sum of Bid Prices: 4.1058



United States
Department of
Agriculture

Agricultural
Marketing
Service

Stop 0253, Room 2610-South
1400 Independence Ave., SW
Washington, DC 20250-0253

AGRICULTURAL MARKETING SERVICE

FOOD PURCHASE INFORMATION ON THE INTERNET

Suppliers and Recipients of Food Products Purchased by the Department of Agriculture's Agricultural Marketing Service (AMS), an agency in the Marketing and Regulatory mission area, can access information on purchases and offers via the Internet.

USDA HOME PAGE:

[HTTP://WWW.USDA.GOV](http://www.usda.gov)

AMS HOME PAGE:

[HTTP://WWW.AMS.USDA.GOV](http://www.ams.usda.gov)

AMS COMMODITY PROCUREMENT HOME PAGE:

[HTTP://WWW.AMS.USDA.GOV/CP](http://www.ams.usda.gov/cp)

Browser Requirements for DEBES

Netscape 4.07 or above
Internet Explorer 5.0 or above

The browser must be capable of handling 128 bit encryption. To determine this:

In IE, go to **Help/About Internet Explorer**. The display will show:

Cipher Strength: 128-bit

If it does not, you will need to download a new version of the browser from Microsoft at

<http://www.microsoft.com>.

In Netscape, go to **Help/About Communicator**. The display will show:

**This version supports U.S. security with
RSA Public Key Cryptography, MD2, MD5,
RC2-CBC, RC4, DES-CBC,
DES-EDE3-CBC.**

If it does not, you can download a new version of the browser from Netscape at
<http://home.netscape.com/download/index.html?cp=djucc4>. Choose the 128 bit Strong Encryption*
version for your download.

The **Vendor Practice** site URL address is:

<https://pcsd.usda.gov:3050/mdbc1000.exe?>

The **Production** site URL address is:

<https://pcsd.usda.gov:3077/mdbc1000.exe?>

Proxy Servers

Most connection problems are the result of improper browser version, not using 128 bit encryption, and connecting through your corporate proxy server. The proxy server must be set up to allow HTTPS protocol through the appropriate port; Vendor Practice is port 3050 and Production is port 3077.

LIVESTOCK AND SEED PROGRAM
VENDOR REQUEST FOR LOGON IDENTIFICATION (ID) AND PASSWORD
DOMESTIC ELECTRONIC BID ENTRY SYSTEM (DEBES)

COMPANY INFORMATION:

COMPANY NAME		
Street Address		
City	State	Zip Code
Person to receive Vendor ID and password		
Method to receive Vendor ID and password: (Complete one)		
Telephone:		
Fax:		
E-Mail:		
Assign 5-8 digit alpha/numeric personal identification number (PIN) for company: _____ (This code will be used as verification by USDA when assigning or resetting a password)		
NAME AND TITLE OF PERSON REQUESTING LOGON ID: (Must be authorized on SF-129 to sign bids) Name _____ Title _____ Signature _____ Date _____		

TO BE COMPLETED BY USDA:

VENDOR LOGON ID: (“A” and 6 digits)	PASSWORD: (must be changed at first DEBES logon):
Notified: _____ Date: _____ (Company Representative)	
USDA Marketing Specialist: _____ Date: _____	

PLEASE RETURN THIS FORM BY FAX TO:

Contracting Officer, Commodity Procurement Branch, LS Program (202)720-9538

For Information call: (202) 720-2650

**ACH VENDOR/MISCELLANEOUS PAYMENT
ENROLLMENT FORM**

OMB No. 1510-0056

Expiration Date 01/31/2000

This form is used for Automated Clearing House (ACH) payments with an addendum record that contains payment-related information processed through the Vendor Express Program. Recipients of these payments should bring this information to the attention of their financial institution when presenting this form for completion.

PRIVACY ACT STATEMENT

The following information is provided to comply with the Privacy Act of 1974 (P.L. 93-579). All information collected on this form is required under the provisions of 31 U.S.C. 3322 and 31 CFR 210. This information will be used by the Treasury Department to transmit payment data, by electronic means to vendor's financial institution. Failure to provide the requested information may delay or prevent the receipt of payments through the Automated Clearing House Payment System.

AGENCY INFORMATION

FEDERAL PROGRAM AGENCY:

United States Department of Agriculture - Commodity Credit Corporation

AGENCY IDENTIFIER:

USDA-FSA-KCMO

AGENCY LOCATION CODE (ALC):

0000-4992-2

ACH FORMAT:

DO NOT COMPLETE THIS☐ CCD+☐ CTX☐ CTP

ADDRESS:

Attn: ACH Disbursements
P. O. Box 419205
Kansas City, Missouri 64141-6205

CONTACT PERSON NAME:

Bob Glenn

TELEPHONE NUMBER:

(816) 926-6988

ADDITIONAL INFORMATION:

FAX Number: 816-823-1364

PAYEE/COMPANY INFORMATION

NAME:

SSN NO. OR TAXPAYER ID NO.:

MAILING ADDRESS:

ENTITY/MASTER-CONTRACT CODE (if known) (Attach sheet if more space needed):

DISBURSEMENT STATEMENT MAILING ADDRESS (If different from above):

CONTACT PERSON NAME:

TELEPHONE NUMBER:

()

SIGNATURE AND TITLE OF AUTHORIZED OFFICIAL:

FINANCIAL INSTITUTION INFORMATION

NAME:

ADDRESS:

ACH COORDINATOR NAME:

TELEPHONE NUMBER:

()

NINE-DIGIT ROUTING TRANSIT NUMBER

DEPOSITOR ACCOUNT TITLE:

DEPOSITOR ACCOUNT NUMBER:

LOCKBOX NUMBER:

TYPE OF ACCOUNT:

☐

CHECKING

☐

SAVINGS

☐

LOCKBOX

SIGNATURE AND TITLE OF AUTHORIZED OFFICIAL (Could be the same as ACH Coordinator):

TELEPHONE NUMBER:

()

INSTRUCTIONS FOR COMPLETING SF-3881 FORM

1. Agency Information Section - Federal agency prints or types the name and address of the Federal program agency originating the vendor/miscellaneous payment, agency identifier, agency location code, contact person name and telephone number of the agency. In addition, the appropriate box for ACH format is checked.
2. Payee/Company Information Section - Payee prints or types the name of the payee/company and address that will receive ACH vendor/miscellaneous payments, social security or taxpayer ID number, and contact person name and telephone number of the payee/company. Payee also verifies depositor account number, account title, and type of account entered by your financial institution in the Financial Institution Information Section.
3. Financial Institution Information Section - Financial institution prints or types the name and address of the payee/company's financial institution who will receive the ACH payment, ACH coordinator name and telephone number, nine-digit routing transit number, depositor (payee/company) account title and account number. In addition, the box for type of account is checked, and the signature, title, and telephone number of the appropriate financial institution official are included.

BURDEN ESTIMATE STATEMENT

The estimated average burden associated with this collection of information is 15 minutes per respondent or record keeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Financial Management Service, Facilities Management Division, Property and Supply Branch, Room B-101, 3700 East-West Highway, Hyattsville, MD 20782 and the Office of Management and Budget, Paperwork Reduction Project (1510-0056), Washington, DC 20503.



United States
Department of
Agriculture

Agricultural
Marketing
Service

STOP 0253-Room 2610-S
1400 Independence Avenue, SW.
Washington, DC 20250-0253

JUNE 2001

NOTICE TO THE TRADE
USDA MEAT AND FISH SUPPLIERS

This notice is to inform USDA Meat and Fish contractors and potential contractors of the Farm Service Agency (FSA) Electronic Distribution of Disbursement Data Web Site. Effective June 15, 2001, FSA will no longer print or mail hard copy disbursement statements to FSA customers. To continue receiving detailed payment information, access the registration instructions at the FSA Disbursement Data Web Site at <http://pcsd.usda.gov/finance>.

If further information is needed concerning the web site, please contact Sharon Menasco on (816) 926-2120 or Henrietta Cooke on (202) 720-2650.

Attached are the Notice and Registration Instructions issued by FSA.

William T. Sessions
Contracting Officer
Commodity Procurement Branch
Livestock and Seed Program

Attachments

United States
Department of
Agriculture



Farm and Foreign
Agricultural Services

Farm Service
Agency

Kansas City
Finance Office
P.O. Box 419205
Kansas City,
Missouri
64141-6205

Date: 5/01/2001

Subject: Termination of FSA Hard Copy Disbursement Statements

As of June 15, 2001, hard copy disbursement statements that provide detailed payment information will cease to be printed and mailed to FSA customers. You will need to register on the FSA Distribution of Disbursement Data Web site before June 15 to continue getting this information. This action is being taken in compliance with OMB83, Paperwork Reduction Act - 1995 (PRA) and P. L. 105-277 Government Paperwork Elimination Act (GPEA), 1998.

If you need a hard copy of the statement, you can print one from the Web page. Once you have registered on the site, you will receive e-mail notifying you whenever new payments are made. You can also use the Web site's search function to find other disbursements made within the last eight weeks.

Our site can be accessed with either a Netscape or Internet Explorer browser that uses 128-bit keys strong encryption. Your company's taxpayer identification number will be the user ID number needed for registering and logging on to the Disbursement site. Instructions on how to register on the site are enclosed with this letter.

The success of the Disbursement Web Site has been validated many times over by FSA customers using it for the last year and a half. The purpose of the site is to give you convenience and control in getting your disbursement information. Feedback received from customers using it, tell us repeatedly, that they are pleased that they no longer must wait for the mailman to bring them their disbursement information or call our office for this information.

In today's environment, many companies are using the Internet in doing every day business to obtain needed information. We are certain that you will find our electronic disbursement system a secure and convenient way of getting your disbursement information. Exception conditions that may prevent you from using the Web site will be considered on a case by case basis.

Follow the five easy steps on the Registration Instructions enclosed with this letter to register today. If you have any questions or need to discuss possible exception conditions, our e-mail address is ED3@KCC.FSA.USDA.GOV or call the Disbursement Help Desk (816) 926-2120.

Sincerely,

George Garrett
Chief, Financial Operations Division
Payment Certification Branch

Enclosure: Registration Instructions

FSA Electronic Disbursement Web Site Registration Instructions

Help Desk - ED3@kcc.fsa.usda.gov

This site is best viewed using either Netscape 4.x or Internet Explorer 5.x with 128 bit encryption.

The site does not support Netscape 6.0.

Download a browser from one of these sites:

Internet Explorer - 128 Bit:

<http://www.microsoft.com/windows/ie/default.htm>

Netscape - 128 Bit:

<http://cgi.netscape.com/cgi-bin/su/intro.cgi>

Proxy Server Users: The FSA Port 3076 must be set up with the exact same default settings as Microsoft Secure Port 443.

<http://support.microsoft.com/support/kb/articles/q184/0/28.asp>

Step 1

In the location box on the Internet Explorer or Netscape browser, type in the Disbursement site address.

<http://pcsd.usda.gov/finance>

Step 2

The FSA Disbursement home page will be displayed. **Click on Register link.**

DISBURSEMENTS

Logon

Site Map

Farm Service Agency
Payment Certification Branch



Register

ACH Enrollment

Contacts

Help

FAQ

Write Us

Privacy Statement

USDA Home

Step 3

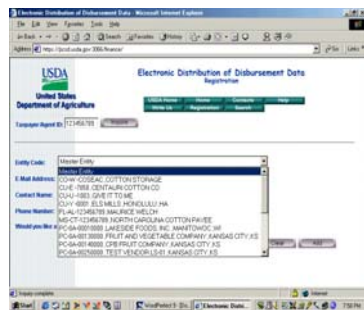
The Registration Page will be displayed. In the box labeled User/Agent ID, ☐ type the company's taxpayer identification number (TIN)

Click on "Inquire" button.

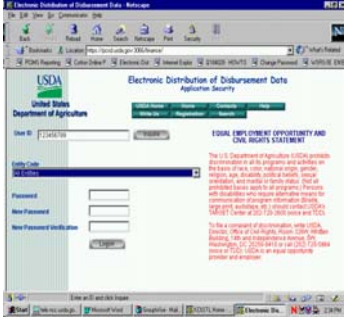
The TIN entered will be sent to the Disbursement data base and verified as a valid number in the FSA system.

Step 4

If the validation is successful, a drop down window will list the FSA reference codes in the FSA Disbursement system.



If there is more than one code number associated with the TIN, the first entry displayed in the drop down box will be "Master Entity".

	<p>Select a code number that pertains to the disbursements you want to see, and then enter the following information in each of the boxes:</p> <ul style="list-style-type: none"> ■ e-mail address ■ contact name ■ phone number <p style="text-align: right;">➔</p> <p>Click on “Add” button.</p> <p>Repeat this action for each code number listed in the box for which disbursement information is wanted.</p>
<p>Step 4 a</p> <p>Optional</p>	<p>The Master Entity is used as the selection when a company has a corporate office or has someone in the organization that needs to see all payments for all of the entity codes that are associated with the TIN that is entered.</p> <p>To register as a Master Entity,</p> <ul style="list-style-type: none"> <input type="checkbox"/> select “Master Entity” and then enter the same information that is listed in Step #4 above. <p>Click on “Add” button.</p>
<p>Step 5</p>	 <p>The registration information is transferred to the FSA Disbursement data base. The system will recognize each individual code registered as well as the Master Entity code and will send out an e-mail containing a unique password for each individual or master code registered. Once you receive a system password, you can log on to the system.</p> <p>Repeat Step 1 and 2 above <i>except click on Log On Link.</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> enter the taxpayer identification number <input type="checkbox"/> select Master or individual code number <input type="checkbox"/> enter e-mailed system password <input type="checkbox"/> enter new password (<i>change system password to one of your own choosing - must be 8 alpha/numeric characters</i>) <input type="checkbox"/> enter new password verification (<i>the same new chosen password</i>) <p style="text-align: right;">➔</p> <p>Click on “Log on” button.</p>

SOLICITATION MAILING LIST APPLICATION

1. TYPE OF APPLICATION

☐ INITIAL☐ REVISION

2. DATE

OMB No.: 9000-0002

Expires: 10/31/97

NOTE: Please complete all items on this form. Insert N/A in items not applicable. See reverse for instruction.

Public reporting burden for this collection of information is estimated to average .58 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the FAR Secretariat (MVR), Federal Acquisition Policy Division, GSA, Washington, DC 20405.

3. SUBMIT TO	a. FEDERAL AGENCY'S NAME			4. APPLICANT	a. NAME FI Est. #		
	b. STREET ADDRESS				b. STREET ADDRESS	c. COUNTY	
	c. CITY	d. STATE	e. ZIP CODE		d. CITY	e. STATE e. ZIP CODE	
5. TYPE OF ORGANIZATION (Check one)				6. ADDRESS TO WHICH SOLICITATIONS ARE TO BE MAILED (If different than item 4)			
<input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> NON-PROFIT ORGANIZATION				a. STREET ADDRESS b. COUNTY			
<input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> CORPORATION, INCORPORATED UNDER THE LAWS OF THE STATE OF:				c. CITY d. STATE e. ZIP CODE			

7. NAMES OF OFFICERS, OWNERS, OR PARTNERS

a. PRESIDENT	b. VICE PRESIDENT	c. SECRETARY
d. TREASURER	e. OWNERS OR PARTNERS	

8. AFFILIATES OF APPLICANT

NAME	LOCATION	NATURE OF AFFILIATION

9. PERSONS AUTHORIZED TO SIGN OFFERS AND CONTRACTS IN YOUR NAME (Indicate if agent)

NAME	OFFICIAL CAPACITY	TELEPHONE NUMBER	
		AREA CODE	NUMBER

10. IDENTIFY EQUIPMENT, SUPPLIES, AND/OR SERVICES ON WHICH YOU DESIRE TO MAKE AN OFFER (See attached Federal Agency's supplemental listing and instruction, if any)

11a. SIZE OF BUSINESS (See definitions on reverse)	11b. AVERAGE NUMBER OF EMPLOYEES (including affiliates) FOR FOUR PRECEDING CALENDAR QUARTERS	11c. AVERAGE ANNUAL SALES OR RECEIPTS FOR PRECEDING THREE FISCAL YEARS
<input type="checkbox"/> SMALL BUSINESS (If checked, complete items 11B and 11C) <input type="checkbox"/> OTHER THAN SMALL BUSINESS		\$
12. TYPE OF OWNERSHIP (See definitions on reverse) (Not applicable for other than small businesses)	13. TYPE OF BUSINESS (See definitions on reverse)	
<input type="checkbox"/> DISADVANTAGED BUSINESS <input type="checkbox"/> WOMAN-OWNED BUSINESS	<input type="checkbox"/> MANUFACTURER OR PRODUCER <input type="checkbox"/> CONSTRUCTION CONCERN <input type="checkbox"/> SURPLUS DEALER	
	<input type="checkbox"/> SERVICE ESTABLISHMENT <input type="checkbox"/> RESEARCH AND DEVELOPMENT	
14. DUNS NO. (If available)	TIN #	15. HOW LONG IN PRESENT BUSINESS?

16. FLOORSPACE (Square Feet/M²)

a. MANUFACTURING	b. WAREHOUSE	17. NET WORTH	
		a. DATE	b. AMOUNT
			\$

18. SECURITY CLEARANCE (If applicable, check highest clearance authorized)

FOR	TOP SECRET	SECRET	CONFIDENTIAL	c. NAMES OF AGENCIES GRANTING SECURITY CLEARANCES	d. DATES GRANTED
a. KEY PERSONNEL					
b. PLANT ONLY					

The information supplied herein (including all pages attached) is correct and neither the applicant nor any person (or concern) in any connection with the applicant as a principal or officer, so far as is known, is now debarred or otherwise declared ineligible by any agency of the Federal Government from making offers for furnishing materials, supplies, or services to the Government or any agency thereof.

19a. NAME OF PERSON AUTHORIZED TO SIGN (Type or print)	20. SIGNATURE	21. DATE SIGNED
19b. TITLE OF PERSON AUTHORIZED TO SIGN (Type or print)		

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Prescribed by GSA - FAR (48 CFR) 53.214(e)

INSTRUCTIONS

Persons or concerns wishing to be added to a particular agency's bidder's mailing list for supplies or services shall file this properly completed Solicitation Mailing List Application, together with such other lists as may be attached to this application form, with each procurement office of the Federal agency with which they desire to do business. If a Federal agency has attached a Supplemental Commodity list with instructions, complete the application as instructed. Otherwise, identify in Item 10 the equipment, supplies, and/or services on which you desire to bid. (Provide Federal Supply Class or Standard Industrial Classification codes, if available.) The application shall be submitted and signed by the principal as distinguished from an agent, however constituted.

After placement on the bidder's mailing list of an agency, your failure to respond (submission of bid, or notice in writing, that you are unable to bid on that particular transaction but wish to remain on the active bidder's mailing list for that particular item) to solicitations will be understood by the agency to indicate lack of interest and concurrence in the removal of your name from the purchasing activity's solicitation mailing for items concerned.

SIZE OF BUSINESS DEFINITIONS (See Item 11A.)

a. Small business concern - A small business concern for the purpose of Government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is competing for Government contracts, and can further qualify under the criteria concerning number of employees, average annual receipts, or the other criteria, as prescribed by the Small Business Administration. (See Code of Federal Regulations, Title 13, Part 121, as amended, which contains detailed industry definitions and related procedures.)

b. Affiliates - Business concerns are affiliates of each other when either directly or indirectly (i) one concern controls or has the power to control the other, or (ii) a third party controls or has the power to control both. In determining whether concerns are independently owned and operated and whether or not affiliation exists, consideration is given to all appropriate factors including common ownership, common management, and contractual relationship. (See Items 8 and 11A.)

c. Number of employees - (Item 11B) In connection with the determination of small business status, "number of employees" means the average employment of any concern, including the employees of its domestic and foreign affiliates, based on the number of persons employed on a full-time, part-time, temporary or other basis during each of the pay periods of the preceding 12 months. If a concern has not been in existence for 12 months, "number of employees" means the average employment of such concern and its affiliates during the period that such concern has been in existence based on the number of persons employed during each of the pay periods of the period that such concern has been in business.

TYPE OF OWNERSHIP DEFINITIONS (See Item 12.)

a. "Disadvantaged business concern" - means any business concern (1) which is at least 51 percent owned by one or more socially and economically disadvantaged individuals; or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals; and (2) whose management and daily business operations are controlled by one or more of such individuals.

b. "Women-owned business" - means a business that is at least 51 percent owned by a woman or women who are U.S. citizens and who also control and operate the business.

TYPE OF BUSINESS DEFINITIONS (See Item 13.)

a. "Manufacturer or producer" - means a person (or concern) owning, operating, or maintaining a store, warehouse, or other establishment that produces, on the premises, the materials, supplies, articles or equipment of the general character of those listed in Item 10, or in the Federal Agency's Supplemental Commodity List, if attached.

b. "Service establishment" - means a concern (or person) which owns, operates, or maintains any type of business which is principally engaged in the furnishing of nonpersonal services, such as (but not limited to) repairing, cleaning, redecorating, or rental of personal property, including the furnishing of necessary repair parts or other supplies as a part of the services performed.

- **COMMERCE BUSINESS DAILY** - The Commerce Business Daily, published by the Department of Commerce, contains information concerning proposed procurements, sales, and contract awards. For further information concerning this publication, contact your local Commerce Field Office.